

IFW



PATENT  
Customer No. 22,852  
Attorney Docket No. 08048.0068-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Stage of International Application No. PCT/FR03/02479 of: )  
Valérie DE LA POTERIE et al. ) Group Art Unit: 1615  
Application No.: 10/526,674 ) Examiner: Jyothsna A. Vankat  
Filed: October 11, 2005 ) Confirmation No.: 3166  
For: COMPOSITION FOR MAKING )  
UP KERATIN FIBERS, )  
ESPECIALLY KERATIN )  
FIBERS SUCH AS THE )  
EYELASHES )

**SECOND REQUEST FOR CORRECTION OF FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are forwarding herewith a copy of a Filing Receipt which has been received from the U.S. Patent and Trademark Office (PTO). There is an error in the Filing Receipt which is indicated in highlight on the copy. The error is that French priority No. 02 11096, dated September 6, 2002, has been omitted from the Foreign Applications information. A copy of the front page of Application No. WO 2004/022009 A1 (the published application for International Application No. PCT/FR03/002479) and a copy of the executed Declaration/Power of Attorney filed with the PTO on October 11, 2005, are enclosed to support this correction. The correct information is shown in black ink adjacent the erroneous information.

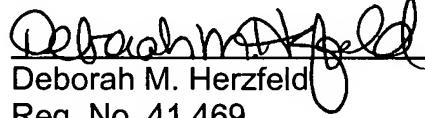
Applicant notes that a first Request for Correction of Filing Receipt was filed with the PTO on August 30, 2006. To date, Applicant has not received a corrected Filing Receipt.

We request that a corrected Filing Receipt be supplied as soon as possible.

If any fees are due in connection with the filing of this paper, please charge our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Deborah M. Herzfeld  
Reg. No. 41,469

Dated: August 14, 2007



TLI-TVW-MHA

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/526,674	10/11/2005	1625	2590	08048.0068		41	1

CONFIRMATION NO. 3166

22852  
 FINNEGAN, HENDERSON, FARABOW,  
 GARRETT AND DUNNER,  
 LLP  
 901 NEW YORK AVENUE, NW  
 WASHINGTON, DC 20001-4413

RECEIVED

FEB 02 2006

## FILING RECEIPT



\*OC000000017932997\*

FINNEGAN, HENDERSON, FARABOW,  
 GARRETT AND DUNNER, LLP

Date Mailed: 01/30/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Valerie De La Poterie, Lailly-En-Val, FRANCE;  
 Karl Pays, Chevilly-Larue, FRANCE;  
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 Patrice Styczen, Gif-sur-Yvette, FRANCE;  
 Yohann Bichon, Maisons-Alfort, FRANCE;

Power of Attorney: The patent practitioners associated with Customer Number 22852.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/FR03/02479 08/06/2003

## Foreign Applications

FRANCE 02/11104 09/06/2002  
 FRANCE 02/11097 09/06/2002  
 FRANCE 02/12097 09/30/2002

FRANCE 02/11096 09/06/2002

Projected Publication Date: 05/11/2006

Non-Publication Request: No

Early Publication Request: No

**Title**

Make-up composition for keratin fibres such as eyelashes

**Preliminary Class**

424

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**Declaration and Power of Attorney for Patent Application****Déclaration et Pouvoir pour Demande de Brevet****French Language Declaration**

En tant que l'inventeur nommé ci-après, je déclare par le présent acte que:	As a below named inventor, I hereby declare that:
Mon domicile, mon adresse postale et ma nationalité sont ceux figurant ci-dessous à côté de mon nom.	My residence, post office address and citizenship are as stated next to my name.
Je crois être le premier inventeur original et unique (si un seul nom est mentionné ci-dessous), ou l'un des premiers co-inventeurs originaux (si plusieurs noms sont mentionnés ci-dessous) de l'objet revendiqué, pour lequel une demande de brevet a été déposée concernant l'invention intitulée	I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
	<b>COMPOSITION FOR MAKING UP KERATIN FIBERS, ESPECIALLY KERATIN FIBERS SUCH AS THE EYELASHES</b>
et dont la description est fournie ci-joint à moins que la case suivante n'ait été cochée:	the specification of which is attached hereto unless the following box is checked:
<input checked="" type="checkbox"/> a été déposée le _____ sous le numéro de demande des Etats-Unis ou le numéro de demande international PCT _____ et modifiée _____ (les cas échéant).	<input checked="" type="checkbox"/> was filed on <u>August 6, 2003</u> as United States Application Number or PCT International Application Number <u>PCT/FR2003/002479</u> and was amended on _____ (if applicable).
Je déclare par le présent acte avoir passé en revue et compris le contenu de la description ci-dessus, revendications comprises, telles que modifiées par toute modification dont il aura été fait référence ci-dessus.	I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above
Je reconnaiss devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations.	I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETE FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC 20231.

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## French Language Declaration

Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, § 119(a)-(d) ou § 365(b) du Code des Etats-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les Etats-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International Application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior foreign application(s)  
Demande(s) de brevet antérieure(s)02/11104  
(Number)  
(Numéro)France  
(Country)  
(Pays)02/11096  
(Number)  
(Numéro)France  
(Country)  
(Pays)02/11097  
(Number)  
(Numéro)France  
(Country)  
(Pays)02/12097  
(Number)  
(Numéro)France  
(Country)  
(Pays)Priority Not Claimed  
Droit de priorité non revendiqué

06/September/2002

(Day/Month/Year Filed)  
(Jour/Mois/Anné de dépôt)

06/September/2002

(Day/Month/Year Filed)  
(Jour/Mois/Anné de dépôt)

06/September/2002

(Day/Month/Year Filed)  
(Jour/Mois/Anné de dépôt)

30/September/2002

(Day/Month/Year Filed)  
(Jour/Mois/Anné de dépôt)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 119(e) du Code des Etats-Unis, de toute demande de brevet provisoire effectuée aux Etats-Unis et figurant ci-dessous.

(Application No.)  
(N° de demande)(Filing Date)  
(Date de dépôt)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application No.)  
(N° de demande)(Filing Date)  
(Date de dépôt)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 120 du Code des Etats-Unis, de toute demande de brevet effectuée aux Etats-Unis, ou en vertu du Titre 35, § 365(c) du même Code, de toute demande internationale PCT désignant les Etats-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, § 112 du Code des Etats-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations, dont laquelle est devenue disponible entre la date de dépôt de la demande antérieure, et la date de dépôt de la demande nationale ou internationale PCT de la présente demande:

(Application No.)  
(N° de demande)(Filing Date)  
(Date de dépôt)(Application No.)  
(N° de demande)(Filing Date)  
(Date de dépôt)(Status) (patented, pending, abandoned)  
(Status) (breveté, en cours d'examen, abandonné)(Status) (patented, pending, abandoned)  
(Status) (breveté, en cours d'examen, abandonné)

Je déclare par le présent acte que toute déclaration ci-incluse est, à ma connaissance, véridique et que toute déclaration formulée à partir de renseignements ou de suppositions est tenue pour véridique; et de plus, que toutes ces déclarations ont été formulées en sachant que toute fausse déclaration volontaire ou son équivalent est possible d'une amende ou d'une incarcération, ou des deux, en vertu de la Section 1001 du Titre 18 du Code des Etats-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>French Language Declaration</b>	
<p><b>POLVOIRS:</b> En tant que l'inventeur cité, je désigne par la présente l'(les) avocat(s) et/ou agent(s) suivant(s) pour qu'ils poursuive(nt) la procédure de cette demande de brevet et traite(nt) toute affaire s'y rapportant avec L'Office des brevets et des marques: (mentionner le nom et le numéro d'enregistrement).</p> <p><b>POWER OF ATTORNEY:</b> As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this patent application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number):</p> <p><b>FINNEGAN, HENDERSON, FARABOW, GARRETT &amp; DUNNER, L.L.P., Customer Number 22,852</b></p>	
Addresser toute correspondance à:	Send all Correspondence to: <b>Use Customer Number 22,852</b>
Addresser tout appel téléphonique à: (nom et numéro de téléphone)	Direct all Telephone Calls to: (name and telephone number) <b>Thomas L. Irving, Reg. No. 28,619 Telephone Number (202) 408-4082</b>

Nom complet de l'unique ou premier inventeur:		Full name of sole or first inventor: <b>Valérie DE LA POTERIE</b>	
Signature de l'inventeur	Date	Inventor's signature	Date
		<i>Valérie de la Poterie 13/05/05</i>	
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Nationalité:	Citizenship French		
Adresse postale:	Post Office Address Same as residence		
Nom complet du second co-inventeur, le cas échéant:		Full name of second joint inventor, if any: <b>Karl PAYS</b>	
Signature de l'inventeur	Date	Inventor's signature	Date
		<i>Karl PAYS 2/05/05</i>	
Domicile	Residence 18, rue du Père Mazurié F-94550 Chevilly-Larue, France		
Nationalité:	Citizenship French		
Adresse postale:	Post Office Address Same as residence		

Nom complet du third co-inventeur, le cas échéant:		Full name of third inventor, if any: Thérèse DAUBIGE
Signature de l'inventeur	Date	Inventor's signature Thérèse Daubige 24/05/05
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Nationalité:	Citizenship French	
Adresse postale:	Post Office Address Same as residence	
Nom complet du fourth co-inventeur, le cas échéant:		Full name of fourth inventor, if any: Patrice STYCZEN
Signature de l'inventeur	Date	Inventor's signature Patrice STYCZEN 01/05/2005
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Nationalité:	Citizenship French	
Adresse postale:	Post Office Address Same as residence	
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Nationalité:	Citizenship French	
Adresse postale:	Post Office Address Same as residence	

(12) DEMANDE INTERNATIONALE PUBLIÉE EN VERTU DU TRAITÉ DE COOPÉRATION  
EN MATIÈRE DE BREVETS (PCT)

VERSION CORRIGÉE

(19) Organisation Mondiale de la Propriété  
Intellectuelle  
Bureau international



(43) Date de la publication internationale  
18 mars 2004 (18.03.2004)

PCT

(10) Numéro de publication internationale  
WO 2004/022009 A1

(51) Classification internationale des brevets<sup>7</sup> :  
A61K 7/032

(74) Mandataire : NONY & ASSOCIES; 3, rue de Penthièvre,  
F-75008 Paris (FR).

(21) Numéro de la demande internationale :  
PCT/FR2003/002479

(81) États désignés (national) : AE, AG, AL, AM, AT, AU, AZ,  
BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ,  
DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM,  
HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK,  
LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX,  
MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD,  
SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG,  
US, UZ, VC, VN, YU, ZA, ZM, ZW.

(22) Date de dépôt international : 6 août 2003 (06.08.2003)

(84) États désignés (regional) : brevet ARIPO (GH, GM, KE,  
LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), brevet  
eurasien (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), brevet  
européen (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI,  
FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK,  
TR), brevet OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ,  
GW, ML, MR, NE, SN, TD, TG).

(25) Langue de dépôt : français

Publiée :  
— avec rapport de recherche internationale

(26) Langue de publication : français

(48) Date de publication de la présente version corrigée:  
6 mai 2004

(30) Données relatives à la priorité :

02/11104	6 septembre 2002 (06.09.2002)	FR
02/11096	6 septembre 2002 (06.09.2002)	FR
02/11097	6 septembre 2002 (06.09.2002)	FR
02/12097	30 septembre 2002 (30.09.2002)	FR

(71) Déposant (pour tous les États désignés sauf US) :  
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(49) Renseignements relatifs à la correction:  
voir la Gazette du PCT n° 19/2004 du 6 mai 2004, Section II

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(FR).

En ce qui concerne les codes à deux lettres et autres abréviations, se référer aux "Notes explicatives relatives aux codes et abréviations" figurant au début de chaque numéro ordinaire de la Gazette du PCT.

(54) Title: MAKE-UP COMPOSITION FOR KERATIN FIBRES SUCH AS EYELASHES

WO 2004/022009 A1  
(54) Titre : COMPOSITION DE MAQUILLAGE DES FIBRES KERATINIQUES NOTAMMENT DES FIBRES KERATINIQUES  
COMME LES CILS

(57) Abstract: The invention relates to a cosmetic make-up composition for keratin fibres. The inventive composition is characterised in that it comprises a non-aqueous solvent medium, at least 3 wt.-% of at least one wax in relation to the total weight of the composition, at most 20 wt.-% of water and/or water-soluble solvent in relation to the total weight of the composition. Said composition is further characterised in that it comprises at least 45 wt.-% of dry matter in relation to the total weight of the composition and a plateau modulus of rigidity G<sub>p</sub> which is less than or equal to 35,000 Pa.

(57) Abrégé : La présente invention concerne une composition cosmétique de maquillage de fibres kératiniques caractérisée en ce qu'elle comprend un milieu solvant non aqueux, au moins une cire en une teneur supérieure à 3 % en poids par rapport au poids total de la composition, au plus 20 % en poids d'eau et/ou de solvant hydrosoluble par rapport au poids total de la composition et qu'elle possède une teneur en matière sèche supérieure à 45 % en poids par rapport au poids total de la composition et un module de rigidité plateau G<sub>p</sub> inférieur ou égal à 35 000 Pa.